THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.28050 of 2005

30.12.2005

Between:

Mara Suresh, S/o.Sri Buchi Rajam

… Petitioner

AND

The District Collector, Nizamabad District

And others

… Respondents

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WRIT PETITION No.28050 of 2005

ORDER:

The petitioners – 8 of them; are residents of Nizamabad town. They purchased residential plots in survey Nos.82/A or 63/A or 63/AA from various vendors, who are either original owners or purchasers from the former. The plots are situated statedly in an approved layout. It appears, the Director of Town Planning, Government of Andhra Pradesh (third respondent herein) approved a master plan in Nizamabad Municipality (now, Nizamabad Municipal Corporation, second respondent herein) in 1975 and at that time, there was no 100 feet ring road passing through or adjacent to the petitioners' plots. Now, the petitioners allege that respondents 3 and 4, at the behest of politically and economically influential people, are proposing to change or realign 100 feet ring road deviating from the original approved master plan. The petitioners allege that this was being done to jack up the real estate prices to help those persons behind the realignment proposal. The petitioners, therefore, approached the Joint Collector, Nizamabad on 17.2.2003, 02.1.2004 and 06.1.2004 to be enquired as to whether 100 feet wide road is being realigned or rescheduled in deviation from master plan. They did not receive any notice. Therefore, they filed the present writ petition praying for the following relief.

> For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ or Order or Direction preferably in the nature of Writ of Mandamus declaring the inaction on the part of the Respondents in not confirming that there is no proposal for change in alignment/ rescheduling of 100 feet ring road from that of the approved Master Plan, in respect of Survey Nos.82/A and 63/A and 63/AA of Nizamabad Shivar, as unjust, illegal and arbitrary and pass such further or other order(s) as this Hon'ble Court deems just, fit and proper in the facts and circumstances of the case and in the interest of justice.

After hearing the learned Counsel for the petitioners and the learned Standing Counsel for Nizamabad Municipal Corporation, this Court is of the considered opinion that the writ petition is filed on a mere apprehension. Even if the allegation that there is a proposal to realign or relocate the 100 feet ring road, as per the master plan or in deviation from the master plan, the petitioners can have no grievance. Only when a proper notification is issued as per A.P. Town Planning Act, 1920 or Hyderabad Municipal Corporations Act, 1955 as applicable to Nizamabad Municipal Corporation, they may seek redressal. Further, if the petitioners apprehend that the realigned 100 feet ring road would cut across some of the plots purchased by the petitioners, necessarily the respondents have to issue a notification under Land Acquisition Act, 1894 and the petitioners can raise all their objections at that time. The imagination of the petitioners that they would be adversely affected cannot give rise any cause of action to invoke the remedy of judicial review before this Court. There is a presumption that every act of governance would be in accordance with rule of law and contra proposition cannot be accepted by this Court.

The writ petition totally misconceived and is accordingly dismissed *in limini*. No costs.

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(**V.V.S.RAO, J**)

December 30, 2005.

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